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STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

TO: Caliente Union School District
Piute Mountain School
12400 Caliente Creek Road
Caliente, CA 93518

Attn: Kathleen Hansen, Superintendent
Caliente Union School District

CERTIFIED MAIL

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,
TITLE 22, SECTION 64426.1(b)(2) - WATER SYSTEM NO. 1502607**

July 2015

C I T A T I O N N O. 03-19-15C-012

Issued on October 2, 2015

STATEMENT OF FACTS

Piute Mountain School Water System (hereinafter Water System) is classified as a non-transient non-community Water System and serves a population of approximately 200 persons through five service connections. The Water System operates under the authority of Permit Number 03-19-09P-004, issued on October 13, 2009, to Caliente Union School District (owner of the Water System), by the California Department of Health Services, Division of Drinking Water and Environmental Management (now State Water Resources Control Board, Division of Drinking Water).

1 Section 116650 of the California Health and Safety Code authorizes the issuance of a
2 citation to a public water system for violation of the California Safe Drinking Water
3 Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with
4 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit
5 or order issued or adopted thereunder.

6
7 The State Water Resources Control Board (hereinafter "State Board"), acting by and
8 through its Division of Drinking Water and the Deputy Director for the Division of
9 Drinking Water hereby issues a citation to Piute Mountain School Water System
10 (mailing address: 12400 Caliente Creek Road, Caliente, CA 93518) for violation of
11 California Code of Regulations (CCR), Title 22, Section 64426.1 subsection (b)(2).

- 12 • The Water System collects one (1) routine distribution system bacteriological
13 sample per month.
- 14 • One (1) routine bacteriological quality sample collected on July 1, 2015, from
15 the distribution system, tested positive for total coliform bacteria.
- 16 • Two (2) out of three (3) repeat bacteriological quality samples collected on
17 July 6, 2015, from the distribution system, tested positive for total coliform
18 bacteria.
- 19 • One (1) bacteriological sample collected on July 6, 2015, from Well 01 (also
20 counted towards the Ground Water Rule's trigger source sampling
21 requirement), also tested positive for total coliform bacteria.
- 22 • **Piute Mountain School Water System failed the total coliform maximum**
23 **contaminant level (MCL) for July 2015 [Section 64426.1(b)(2),**
24 ***Authorities*].**

- 1 • On July 2, 2015, Scott Moore of Seaco Technologies, Designated Operator and
2 contract sampler of the Water System, notified the State Board, by telephone,
3 that one (1) bacteriological quality sample collected from the distribution
4 system on July 1, 2015, tested positive for total coliform bacteria, and also
5 informed the State Board, by telephone, on July 8, 2015, that the Water System
6 failed the total coliform MCL for July 2015.
- 7 • On July 8, 2015, in a telephone discussion with Jeanne Seno of the Water
8 System, Ms. Seno informed the State Board that the chlorination treatment
9 system was not connected to the Water System's Well 01 and was not
10 functional at the time the routine and repeat total coliform samples were
11 collected. At the time of the July 8, 2015, phone call, the chlorination
12 treatment system had been restored and was functioning according to Ms.
13 Seno.
- 14 • On July 8, 2015, the Water System was directed by the State Board to inspect,
15 disinfect, and flush Well 01, storage tank, and distribution system, under the
16 supervision of a certified distribution operator, and to collect special samples
17 afterwards to verify bacteriological quality of the water.
- 18 • On July 13, 2015, following inspection, disinfection and flushing of Well 01,
19 storage tank, and distribution system, three (3) special bacteriological quality
20 samples were collected from the distribution system, and one (1) sample was
21 collected from Well 01. All four (4) special samples tested negative for total
22 coliform bacteria.
23 coliform bacteria.
24 coliform bacteria.
25 coliform bacteria.
26 coliform bacteria.
27 coliform bacteria.

- 1 • On August 5, 2015, a public notice and *Certification of Completion of Public*
2 *Notification* were emailed to the Water System for the July 2015 total coliform
3 MCL failure.
- 4 • On August 6, 2015, the State Board received signed and dated copies of the
5 public notice and *Certification of Completion of Public Notification*.
6 According to these documents, public notification was completed on August 6,
7 2015.
- 8 • On August 5, 2015, an investigation report was emailed to the Water System,
9 for the July 2015 total coliform MCL failure.
- 10 • On August 14, 2015, the State Board received a completed copy of the
11 investigation report. The investigation report was completed by Ms. Seno.
12 According to the investigation report, a possible cause of the total coliform
13 positive samples was described as disconnection of the chlorination treatment
14 system from the well while the school was closed for the summer.
- 15 • None of the total coliform positive samples collected in July 2015 tested
16 positive for *E. coli* bacteria.
- 17 • On August 3, 2015, four (4) routine bacteriological samples collected from the
18 distribution system and one (1) sample collected from Well 01, tested negative
19 for total coliform bacteria.
- 20 • Results of all (source and distribution) bacteriological samples collected from
21 January 2015 to August 2015 are summarized in **Attachment A**.
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AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

“(a) Each public water system shall reimburse the State Board for the actual costs incurred by the State Board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The State Board shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the State Board. The costs set forth in the invoice shall not exceed the total actual costs to the State Board of the enforcement activities specified in this section.”...

Section 116650 of the CHSC, states in relevant part:

“(a) If the State Board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the State Board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.”

Section 116655 of the CHSC, states in relevant part:

(a) Whenever the State Board determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the State Board.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Board.

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the State Board or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the State Board by the end of the business day on which this is determined, unless the determination occurs after the State Board office is closed, in which case the supplier shall notify the State Board within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

DETERMINATIONS

Based upon the above *Statement of Facts and Authorities*, the State Board has determined that the Piute Mountain School Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for July 2015, when more than one sample collected in July 2015, tested positive for total coliform bacteria.

The above violation is classified as a non-continuing violation.

DIRECTIVES

Piute Mountain School Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Section 64426.1(b)(2), of Title 22, California Code of Regulations.
2. The Water System shall reimburse the State Board, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the State Board) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Sections 116577(a)(1-2) and 116577(b).

FURTHER ENFORCEMENT ACTIONS

Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the State Board to: issue additional citations with assessment of penalties if a public water system continues to fail or correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the State Board; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the State Board.

1 The State Board does not waive any further enforcement action by issuance of this
2 citation.

3
4 **PARTIES BOUND**

5 This citation shall apply to and be binding upon Piute Mountain School Water System,
6 its officers, directors, agents, employees, contractors, successors, and assignees.

7
8 **SEVERABILITY**

9 The directives of this citation are severable, and Piute Mountain School Water System
10 shall comply with each and every provision thereof, notwithstanding the effectiveness
11 of any other provision.

12
13 **CIVIL PENALTIES**

14 Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a
15 civil penalty for failure to comply with the requirements of the Safe Drinking Water
16 Act. Failure to comply with any provision of this Citation may result in the State
17 Board imposing an administrative penalty in an amount not to exceed \$1000 (one
18 thousand dollars) per day as of the date of violation of any provision of this Citation.

19
20 Oct. 2, 2015
21 Date

22 Jaswinder S. Dhaliwal
23 Jaswinder S. Dhaliwal, P.E.
24 Senior Sanitary Engineer
25 Drinking Water Field Operations Branch

26 Certified Mail No. 7013 3020 0002 2497 9562

27 **ATTACHMENT**

Attachment A: Summary of Bacteriological Samples Collected from Jan. 2015 to Aug.
2015

CC: Kern County Environmental Health Services Department (w/o attachment)
Scott Moore, Seaco Technologies, Inc., Contract Sampler (via e-mail)

JSD/dc

Attachment A

Piute Mountain School Water

1502607

Distribution System Freq: 1/M

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/5/2015	7:30	Library HB	A	A		Routine	0.07		
2/2/2015	7:15	Kitchen	A	A		Routine	0.78		
3/2/2015	7:35	Front of Library	A	A		Routine	0.01		
4/1/2015	7:15	Parking Lot HB	A	A		Routine			
5/5/2015	7:45	Front of Library H	A	A		Routine	0.89		
6/1/2015	7:46	Staff Lounge Sink	A	A		Routine	0.09		
7/1/2015	7:27	Kitchen SF	P	A		Routine	0.17		
7/6/2015	8:35	Front of Library H	A	A		Repeat	0.16		
7/6/2015	8:40	Kitchen SF	P	A		Repeat	0.14		
7/6/2015	8:44	Staff Lounge SF	P	A		Repeat	0.28	MCL	Citation 03-19-15C-012 Being Issued
7/13/2015	8:29	Front of Library H	A	A		Other	0.54		
7/13/2015	8:41	Parking Lot HB	A	A		Other	0.49		
7/13/2015	8:57	Staff Lounge SF	A	A		Other	0.95		
8/3/2015	7:36	Front of Library	A	A		Routine	2.14		
8/3/2015	7:42	Parking Lot	A	A		Routine	2.18		
8/3/2015	7:47	Staff Lounge	A	A		Routine	2.18		
8/3/2015	7:54	Kitchen	A	A		Routine	2.18		

Piute Mountain School Water

1502607

Source Monitoring Freq: Quarterly

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
3/2/2015	7:40	Well 001	A	A			Quarterly Sample
6/1/2015	7:56	Well 001	A	A			
7/6/2015	8:30	Well 001	P	A			GWR Sample
7/13/2015	8:48	Well 001	A	A			Quarterly Sample
8/3/2015	7:30	Well 001	A	A			